

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SAMUEL HOROWITZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10 C 1465
)	
CORRECTIONAL OFFICER LUTH and)	
CORRECTIONAL OFFICER PRYOR)	Judge Kendall
)	
)	Magistrate Schenkier
Defendants,)	

SECOND AMENDED COMPLAINT

NOW COMES Plaintiff, SAMUEL HOROWITZ, by and through his attorneys, THE LAW OFFICES OF SCOTT T. KAMIN, and complaining against Defendants CORRECTIONAL OFFICER LUTH and CORRECTIONAL OFFICER PRYOR, states as follows:

JURISDICTION

1. This action arises under 42 U.S.C. § 1983, 28 U.S.C § 1367, the Fourth and Fourteenth Amendments of the United States Constitution. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § § 1331, 1343(a)(3).

VENUE

2. Venue is provided under 28 U.S.C. § § 1391(b)(1) and (b)(2) in “a judicial district where any defendant resides, if all defendants reside in the same State” or in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred...”

3. Upon belief, Defendants CORRECTIONAL OFFICER LUTH and CORRECTIONAL OFFICER PRYOR reside in the State of Illinois and the Northern District of Illinois.

4. The events giving rise to the claim involved in this cause occurred in the Northern District of Illinois.

PARTIES

5. Plaintiff is a resident of Cook County, Illinois which is located in the Northern District of Illinois.

6. Upon belief, Defendant CORRECTIONAL OFFICER LUTH was, at all times relevant to this action, employed as a corrections officer with the Illinois Department of Corrections.

7. Upon belief, Defendant CORRECTIONAL OFFICER PRYOR was, at all times relevant to this action, employed as a corrections officer with the Illinois Department of Corrections.

8. The defendants are sued in their individual capacities.

FACTS

11. On or about March 4, 2008, Plaintiff was located in the Northern Receiving and Classification Center at Stateville Correctional Center.

12. Defendants CORRECTIONAL OFFICER LUTH and CORRECTIONAL OFFICER PRYOR supervised and monitored Plaintiff.

13. Defendants CORRECTIONAL OFFICER LUTH and CORRECTIONAL OFFICER PRYOR punched, kicked, and otherwise used excessive force against Plaintiff.

14. Plaintiff suffered severe injury and trauma from the use of excessive force.

COUNT I: EXCESSIVE FORCE UNDER 42 U.S.C § 1983

15. Plaintiff restates and realleges all the statements made in paragraphs 11-14 of this Complaint as though fully set forth herein.

16. On March 4, 2008, Defendants used excessive force against Plaintiff.

17. Defendants violated Plaintiff's right to be free from unreasonable search and/or seizure when they used excessive force against him.

18. As a result of this excessive force, Plaintiff suffered extreme physical and emotional trauma.

WHEREFORE Plaintiff respectfully requests that this Court enter judgment against Defendants and:

- a. award compensatory damages in an amount not less than \$200,000;
- b. award punitive damages against each defendant;
- c. award Plaintiff his attorney fees and costs, and;
- d. grant Plaintiff such further relief as this Court deems equitable and just.

Respectfully submitted,

/s/ Scott T. Kamin
Attorney for Plaintiff

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